(Mr. LIEBERMAN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 104

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 170

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 255

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 255, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 256

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 256, a bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers.

S. 258

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 288

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 288, a bill to extend the moratorium enacted by the Internet Tax Freedom Act through 2006, and encourage States to simplify their sales and use taxes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 466

At the request of Mr. HAGEL, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 466, a bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of such Act.

S. 566

At the request of Mr. HOLLINGS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 566, a bill to amend the Internal Revenue Code of 1986 to provide a 10 percent individual income tax rate for taxable years beginning in 2001 and a payroll tax credit for those taxpayers who have no income tax liability in 2001.

S. 570

At the request of Mr. BIDEN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 635

At the request of Mr. DODD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 635, a bill to reinstate a standard for arsenic in drinking water.

S. 648

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 648, a bill to provide signing and mastery bonuses and mentoring programs for math and science teachers.

S. RES. 41

At the request of Mr. SHELBY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 41, a resolution designating April 4, 2001, as ''National Murder Awareness Day''.

S. RES. 55

At the request of Mr. WELLSTONE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Res. 55, a resolution designating the third week of April as ''National Shaken Baby Syndrome Awareness Week'' for the year 2001 and all future years.

AMENDMENT NO. 161

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 161 proposed to S. 27, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 161 proposed to S. 27, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mr. DEWINE, Mr. LEAHY, Mr. THURMOND, Mr. FEINGOLD, Mr. GRASSLEY, Mr. SCHUMER, and Mr. SPECTER):

S. 665. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, in the last year, consumers all across the nation have watched gas prices rise, seemingly without any end in sight. And, if consumers weren't paying enough already, just a few days ago the OPEC nations agreed to cut production by a million barrels a day, an action sure to drive up prices even higher. Such blatantly anti-competitive action by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. It is for this reason that I rise today, with my colleagues Senators DEWINE, SPECTER, LEAHY, FEINGOLD, THURMOND, and GRASSLEY, to reintroduce the ''No Oil Producing and Exporting Cartels Act'', ''NOPEC''. This legislation is identical to our NOPEC bill introduced last year, which passed the Judiciary Committee unanimously.

Real people suffer real consequences every day in our nation because of OPEC's actions. Rising gas prices—prices that averaged above $2 per gallon in many places last summer, are a silent tax that takes hard-earned money away from Americans every time they visit the gas pump. Higher oil prices drive up the cost of transportation, harming thousands of companies throughout the economy from trucking to aviation. And those costs are passed on to consumers in the form of higher prices for manufactured goods. Higher oil prices mean higher heating oil and electricity costs. Anyone who has gone through a Midwest winter or a deep South summer can tell you about the tremendous personal costs associated with higher home heating or cooling bills.

We have all heard many explanations offered for rising energy prices. Some say that the oil companies are gouging consumers. Some blame disruptions in supply. Others point to EPA requirement mandating use of a new and more expensive type of ''reformulated'' gas in the Midwest. After last spring's gas price spike, which dove prices above $2 per gallon for a time in the Midwest, some even claimed that refiners and distributors were illegally fixing prices. At the request of the Wisconsin delegation and Senator DEWINE, the Federal Trade Commission launched an investigation last year to figure out if those allegations were true. After an exhaustive, nearly year-long investigation, they found no evidence of illegal price fixing as a cause of higher gas prices.

But one cause of these escalating prices is indisputable: the price fixing conspiracy of the OPEC nations. For years, this conspiracy has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, until now no one has tried to take any action. NOPEC will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law. It will authorize the Attorney General or FTC to file suit under the antitrust laws for redress. Our bill will also make plain that the nations of OPEC cannot hide behind the doctrines of ''Sovereign Immunity'' or ''Act of State'' to escape the reach of American justice.

In recent years a consensus has developed in international law that certain basic standards are universal, and that the international community can, and should, take action when a nation violates these fundamental standards. The response of the international community to ethnic cleansing in the former Yugoslavia and action by the courts of Britain to hold General Augusto Pinochet accountable for human rights abuses and torture that occurred when he was President of Chile are two prominent examples. The rogue actions of the international oil cartel should be treated no differently. The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. In this era of globalization, we truly need to open international markets to ensure the prosperity of all. And we should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our authorities to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to fix oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. government has ever had to deter OPEC from its seemingly endless cycle of price increases.

There is nothing remarkable about applying U.S. antitrust law overseas. Our government has not hesitated to do so when faced with clear evidence of anti-competitive conduct that harms American consumers. Just last year, in fact, the Justice Department secured a record $500 million criminal fine against German and Swiss companies engaged in a price fixing conspiracy to raise and fix the price of vitamins sold in the United States and elsewhere. The mere fact that the conspirators are foreign nations is no basis to shield them from violating these most basic standards of fair economic behavior.

There is also nothing remarkable about suing a foreign government about its commercial activity. There are many recent cases in which foreign governments have been held answerable for their commercial activities in U.S. courts, including a case against Iran for failure to pay for aircraft parts, a case against Argentina for breach of its obligations arising out of issuance of bonds, and a case against Costa Rica for violating the terms of a lease. Our NOPEC legislation falls squarely within this tradition.

Even under current law, there is no doubt that the actions of the international oil cartel would be in gross violation of antitrust law if engaged in by private companies. If OPEC were a group of international private companies rather than foreign governments, their actions would be nothing more than an illegal price fixing scheme. But OPEC members have used the shield of ''sovereign immunity'' to escape accountability for their price-fixing. The Federal Sovereign Immunities Act, though, already recognizes that the ''commercial'' activity of nations is not protected by sovereign immunity. And it is hard to imagine an activity that is more obviously commercial than selling oil for profit, as the OPEC nations do. Our legislation will correct one erroneous twenty-year-old lower federal court decision and establish that sovereign immunity doctrine will not divest a U.S. court from jurisdiction to hear a lawsuit alleging that members of the oil cartel are violating antitrust law.

In the last few weeks, I have grown more certain than ever that this legislation is necessary. Between OPEC's decision last week to cut oil production and the FTC's conclusion that American companies do not bear primary responsibility for last summer's gas price spike, I am convinced that we need to take action, and take action now, before the damage spreads too far.

For these reasons, I urge that my colleagues support this bill so that our nation will finally have an effective means to combat this selfish conspiracy of oil-rich nations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Oil Producing and Exporting Cartels Act of 2001'' or ''NOPEC''.

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States and the Federal Trade Commission may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

By Ms. SNOWE (for herself, Mr. LOTT, Mr. WARNER, Ms. COLLINS, Mr. COCHRAN, Ms. LANDRIEU, Mr. BREAUX, and Mr. TORRICELLI):

S. 666. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce legislation to simplify and restore fairness to the naval shipyard accounting statutes under which our six major U.S. naval shipyards pay taxes on the naval ship contracts they are awarded by the Navy.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must

be estimated during the construction phases of the shipbuilding process and taxes must be paid on those estimated profits. The legislation being proposed would simply allow naval shipbuilders to use a method of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy.

Prior to 1982, federal law permitted shipbuilders to use this method, but the law was changed due to abuses by federal contractors in another sector, having absolutely nothing to do with shipbuilding. Moreover, non-government shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, the bill would restrict shipyards from deferring tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment until the profit is actually known upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method that naval shipbuilders used to employ. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mr. AKAKA (for himself and Mr. SMITH of New Hampshire):

S. 668. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Pet Safety and Protection Act of 2001. Senator BOB SMITH joins me in sponsoring this bill that will close a serious loophole in the Animal Welfare Act.

Over 30 years ago, Congress passed the Animal Welfare Act to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. Despite the well-meaning intentions of the Animal Welfare Act and the enforcement efforts of the Department of Agriculture, the Act routinely fails to provide pets and pet owners with reliable protection against the actions of some unethical dealers.

Medical research is an invaluable weapon in the battle against disease. New drugs and surgical techniques offer promise in the fight against AIDS, cancer, and a host of life-threatening diseases. I am not here to argue whether animals should or should not be used in research. Animal research has been, and continues to be, fundamental to advancements in medicine. However, I am concerned with the sale of stolen pets and stray animals to research facilities.

There are less than 40 ''random source'' animal dealers operating throughout the country who acquire tens of thousands of dogs and cats. ''Random source'' dealers are USDA licensed Class B dealers that provide animals for research. Many of these animals are family pets, acquired by so-called ''bunchers'' who sometimes resort to theft and deception as they collect animals to sell them to Class B dealers. ''Bunchers,'' posing as someone interested in adopting a dog or cat, usually respond to advertisements such as ''free pet to a good home,'' and trick animal owners into giving them their pets. Some random source dealers are known to keep hundreds of animals at a time in squalid conditions, providing them with little food or water. The mistreated animals often pass through several hands and across state lines before they are eventually sold by a random source dealer to a research laboratory.

While I am not suggesting that laboratories intentionally seek out stolen or fraudulently obtained dogs and cats as research subjects, the fact remains that many of these animals end up in research laboratories, and little is being done to stop it. It is clear to most observers, including animal welfare organizations around the country, that this problem persists because of random source animal dealers.

The Pet Safety and Protection Act strengthens the Animal Welfare Act by prohibiting the use of random source animal dealers as suppliers of dogs and cats to research laboratories. At the same time, the Pet Safety and Protection Act preserves the integrity of animal research by encouraging research laboratories to obtain animals from legitimate sources that comply with the Animal Welfare Act. Legitimate sources are USDA-licensed Class A dealers or breeders, municipal pounds that choose to release dogs and cats for research purposes, legitimate pet owners who want to donate their animals to research, and private and federal facilities that breed their own animals. These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand. Furthermore, at least in the case of using municipal pounds, research laboratories could save money since pound animals cost only a few dollars compared to the high fees charged by random source animal dealers. The National Institutes of Health, in an effort to curb abuse and deception, has already adopted policies against the acquisition of dogs and cats from random source dealers.

The Pet Safety and Protection Act also reduces the Department of Agriculture's regulatory burden by allowing the Department to use its resources more efficiently and effectively. Each year, hundreds of thousands of dollars are spent on regulating 40 random source dealers. To combat any future violation of the Animal Welfare Act, the Pet Safety and Protection Act increases the penalties under the Act to a minimum of $1,000 per violation.

As I stated before, this bill in no way impairs or impedes research, but will end the fraudulent practices of some Class B dealers. The history of disregard for the provisions of the Animal Welfare Act by some animal dealers makes the Pet Safety and Protection Act necessary and I urge my colleagues to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pet Safety and Protection Act of 2001''.

SEC. 2. PROTECTION OF PETS.

(a) RESEARCH FACILITIES.—Section 7 of the Animal Welfare Act (7 U.S.C. 2137) is amended to read as follows:

''SEC. 7. SOURCES OF DOGS AND CATS FOR RESEARCH FACILITIES.

''(a) DEFINITION OF PERSON.—In this section, the term 'person' means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity.

''(b) USE OF DOGS AND CATS.—No research facility or Federal research facility may use a dog or cat for research or educational purposes if the dog or cat was obtained from a person other than a person described in subsection (d).

''(c) SELLING, DONATING, OR OFFERING DOGS AND CATS.—No person, other than a person described in subsection (d), may sell, donate, or offer a dog or cat to any research facility or Federal research facility.

''(d) PERMISSIBLE SOURCES.—A person from whom a research facility or a Federal research facility may obtain a dog or cat for research or educational purposes under subsection (b), and a person who may sell, donate, or offer a dog or cat to a research facility or a Federal research facility under subsection (c), shall be—

''(1) a dealer licensed under section 3 that has bred and raised the dog or cat;

''(2) a publicly owned and operated pound or shelter that—

''(A) is registered with the Department of Agriculture;

''(B) is in compliance with section 28(a)(1) and with the requirements for dealers in subsections (b) and (c) of section 28; and

''(C) obtained the dog or cat from its legal owner, other than a pound or shelter;

''(3) a person that is donating the dog or cat and that—

''(A) bred and raised the dog or cat; or

''(B) owned the dog or cat for not less than 1 year immediately preceding the donation;

''(4) a research facility licensed by the Department of Agriculture; and

''(5) a Federal research facility licensed by the Department of Agriculture.

''(e) PENALTIES.—

''(1) IN GENERAL.—A person that violates this section shall pay $1000 for each violation.

''(2) ADDITIONAL PENALTY.—A penalty under this subsection shall be in addition to any other applicable penalty and shall be imposed whether or not the Secretary imposes any other penalty.

''(f) NO REQUIRED SALE OR DONATION.—Nothing in this section requires a pound or shelter to sell, donate, or offer a dog or cat to a research facility or Federal research facility.''.

(b) FEDERAL RESEARCH FACILITIES.—Section 8 of the Animal Welfare Act (7 U.S.C. 2138) is amended—

(1) by striking ''No department'' and inserting ''Except as provided in section 7, no department'';

(2) by striking ''research or experimentation or''; and

(3) by striking ''such purposes'' and inserting ''that purpose''.

(c) CERTIFICATION.—Section 28(b)(1) of the Animal Welfare Act (7 U.S.C. 2158(b)(1)) is amended by striking ''individual or entity'' and inserting ''research facility or Federal research facility''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 take effect 90 days after the date of enactment of this Act.

By Mr. CARPER (for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BAYH, Mr. BREAUX, Mr. BINGAMAN, Mr. SANTORUM, Mr. BIDEN, Ms. LANDRIEU, Mr. SMITH of Oregon, Mr. ENSIGN, Mr. DEWINE, Mr. KERRY, and Mr. SPECTER):

S. 669. A bill to amend the Elementary and Secondary Education Act of 1965 to promote parental involvement and parental empowerment in public education through greater competition and choice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARPER. Mr. President, I am very pleased to join today with my distinguished colleague from New Hampshire and a broad, bipartisan group of cosponsors to introduce the Empowering Parents Act of 2001. Senator JUDD GREGG has been a consistent champion of charter schools and a passionate advocate of competition and choice in public education. I cannot imagine a better colleague to partner with on my first legislative initiative in the U.S. Senate.

Like the Senator from New Hampshire, I come from a small State. Also like my friend from New Hampshire, I was once the governor of my small State. I think it is appropriate, that Senator GREGG and I have seen fit to team up so early in my tenure here in the Senate. During the fall campaign, I was fond of saying that we need more people in Washington who think and act like Governors. My years in the National Governors' Association taught me that Governors tend to be results-oriented and tend to have a healthy impatience for partisan bickering.

We in this Chamber will always have our disagreements. Next week, for example, we are scheduled to begin debate on the budget and every expectation is that it will be a very partisan debate. That makes it all the more important, that we push forward in those areas where we're able to reach bipartisan agreement. The issue of vouchers is one on which we are unlikely to come to a consensus. Expanding the number of charter schools and broadening public school choice, however, is something that we can agree on, and we should.

Charter schools and public school choice inject market forces into our schools. They empower parents to make choices to send their children to a variety of different schools. That means that schools which offer what students and parents want, be it foreign languages, more math and science, higher test scores, better discipline, those schools will be full. Schools which fail to listen to their customers, to parents and students, may see their student populations diminish until those schools change. At the same time, charter schools are public schools, held to high standards of public accountability. And unlike vouchers, public school choice preserves indeed, it helps to fulfill the promise of equal access upon which public education and the common school tradition have always been premised.

In my State, we've enthusiastically embraced both the charter movement and public school choice. We introduced charter schools and statewide public school choice almost 5 years ago. A greater percentage of families exercise public school choice in Delaware today than in any other State in the Nation, and in the last year alone the number of Delaware students in charter schools has more than doubled. The evidence is that these reforms, together with high standards and broad-based educator accountability, are working to raise student achievement and to narrow the achievement gap between students of different racial and ethnic backgrounds. Students tested last spring, at every grade level tested and in each of our counties, made significant progress when measured against their peers throughout the country, as well as against Delaware's own academic standards.

Let me tell you briefly, about one of the schools in my State that is helping to accomplish both of these goals, raising student achievement and closing the achievement gap. In Delaware, we have close to 200 public schools. Students in all of these schools take Delaware's State tests measuring what students know and can do in reading, writing, and math. We also measure our schools by the incidence of poverty, from highest to lowest. The school with the highest incidence of poverty in my State is the East Side Charter School in Wilmington, DE. The incidence of poverty there is over 80 percent. Its students are almost all minority. It is right in the center of the projects in Wilmington. In the first year after East Side Charter School opened its doors, almost none of its students met our State standards in math. Last spring, there was only one school in our State where every third grader who took our math test met or exceeded our standards. That school was the East Side Charter School.

It's a remarkable story, and it has been possible because the East Side Charter School is a remarkable school. Kids can come early and stay late. They have a longer school year. They wear school uniforms. Parents have to sign something akin to a contract of mutual responsibility. Educators are given greater authority to innovate and initiate. With highly qualified and highly motivated teachers and with strong leadership from active citizens who want to make a positive difference for their community, the East Side Charter School has become a beacon of hope to parents and students in a neighborhood where you can no longer have a pizza or newspaper delivered to your door. It has provided parents in that community with an option for their children they might not otherwise have had.

The legislation that Senator GREGG and I are introducing today aims to make similar options available in communities all across our country, particularly in low-income communities and communities with low-performing schools, just like Wilmington's East Side. It encourages States and local districts with low-performing schools to expand public school choice. It also eliminates many of the artificial barriers to charter school financing that have prevented the supply of new charter schools from keeping pace with the growing demand among parents and students.

Language was inserted in the FY 2001 Labor-HHS appropriations bill giving students the right to transfer out of failing schools. Some similar provision will likely be included in any legislation we pass this year reauthorizing the Elementary and Secondary Education Act. Unfortunately, the right to transfer out of a failing school will not by itself translate into a meaningful array of alternatives for parents. Nor, as far as I am concerned, will a $1,500 voucher, though I know there is some disagreement on this point even among supporters of this bill. In some high poverty school districts, there are no higher performing schools for students to transfer into. In other districts, administrative barriers or capacity constraints could well limit the choice provided to parents to a single alternative, which may or may not be the school that parents believe best meets their child's needs. Moreover, at least in my State—and I don't pretend to know the circumstances in other

States—you can't get your kid in to get an education at the private or parochial schools for $1,500.

Unless we help to establish new charter schools in communities with low-performing schools, and unless we provide encouragement to the States and local school districts that serve these communities to create broad and meaningful choice at the intra-district level and ideally at the inter-district level, the right to ''choice out'' of a failing school will be little more than an empty promise. The Empowering Parents Act aims to keep the promise by helping to ensure that parents are empowered with real choices for their children within the public school system.

The Empowering Parents Act does three things. First, it provides $200 million in competitive grants to States and local districts with low-performing schools for the purpose of expanding public school choice. This will help to make the right to public school choice that we intend to make part of title I a meaningful right for parents with children trapped in failing schools.

Second, the Empowering Parents Act expands the credit enhancement demonstration for charter schools that passed last year and also exempts all interest on charter school loans from federal taxes. This will leverage private financing to help charter schools finance start-up costs, as well as the costs associated with the acquisition and renovation of facilities, the most commonly cited barriers to the establishment of new charter schools.

Third and finally, the Empowering Parents Act creates incentives for States to provide per pupil facilities funding programs for charter schools. According to a recent GAO report, ''Charter Schools; Limited Access to Facility Financing,'' the per pupil allocations that charter schools receive as public schools to educate public school students are frequently just a fraction of the amount that is provided annually to traditional public schools for operating expenses and thus provide none of the funding that traditional public schools receive for facility costs. Additionally, GAO reports that school districts that are allowed to share local facility financing with charter schools often do not. The result is that charter schools are forced to literally take money out of the classroom, dipping into funds meant to pay teachers and purchase textbooks, just so they can secure a roof over their students' heads. The Empowering Parents Act would provide matching grants to states to encourage them to level the playing field between charters and traditional public schools with respect to facility financing.

Mr. President, the call for competition and choice among accountable public schools can be heard all across America. Just 7 years ago, there was only one charter school in existence in the entire nation. Today, 36 States and the District of Columbia have charter school laws, and there are over 350,000 students attending nearly 1,700 charter schools. As fast as the movement for charters and choice has grown, the reality is that the ideal of involved and empowered parents choosing a child's school from among a range of diverse but accountable public schools remains the exception rather than the rule in America. In fact, 7 out of 10 charter schools around the country have a waiting list of students they can't accommodate. The charters and choice movement is a grassroots movement, and thus, appropriately, most of action is taking place at the state and local level. There is an old saying, however, that you must lead, follow, or get out of the way. Charters and choice are sparking innovation in schools around the country, and there is a role for the Federal Government to play in spreading the synergy.

A key role of the Federal Government in the area of education is to level the playing field for children that come from tough, disadvantaged backgrounds. We are committed in America to the principle that every child deserves a real chance to reach high standards of achievement. I have said often that we need to start our efforts to level the playing field by ensuring that every child enters kindergarten ready to learn, which means promoting early childhood education, beginning with full funding for Head Start. However, charter schools and public school choice should also play an integral part in our efforts to close the achievement gap, because whenever a child is left trapped in a failing school, it means that we have failed as a nation to fulfill the promise of equal opportunity for all and special privileges for none.

Passing the Empowering Parents Act would represent a landmark federal commitment to parental involvement and parental empowerment in public education. It would send a clear message from coast to coast that we will no longer settle in America for a public education system that traps students in schools that fail to meet high standards. That's not a Democrat message. That's not a Republican message. That's a message of hope and opportunity, a message I believe Republicans and Democrats can embrace together.

When Lynne Cheney visited Delaware in the heat of last fall's Presidential campaign to shine a national spotlight on the East Side Charter School, it was a great tribute to the tremendous accomplishments of the parents, teachers, and administrators who have poured their energy and creativity into that remarkable school. It was also a tribute, I believe, to our bipartisan spirit of cooperation in Delaware and to the progress that we can achieve when we work together—Republicans and Democrats, legislators and business leaders, parents and teachers. Our charters and choice legislation passed on consecutive days back in 1995. One bill was sponsored by a Republican, one by a Democrat. It was truly a bipartisan effort.

That's the way we do things in Delaware. We work together. We get things done. It is this uncommon tradition of putting aside partisan differences and doing what is right for Delaware that has enabled our State to shine. And it is this same spirit of common-sense bipartisan that is needed in Washington if America is to embrace a new century strong and confident in our future.

We will have plenty to fight about in this Chamber, this year and in the years to come. I suggest to my colleagues, let's take the opportunities we have to find common ground and to show the American people that we can work together to make a difference for communities and families across this country. As the broad bipartisan support for this legislation attests, the Empowering Parents Act provides us with an opportunity to govern in a positive, progressive, and bipartisan fashion. I ask my colleagues to join with Senator GREGG and myself to help pass the Empowering Parents Act, and thereby to register a win for bipartisanship and more importantly, a win for children trapped in schools that are failing to meet their potential or allow their students to reach their own potential.

Mr. President, I yield the floor.

By Mr. DASCHLE (for himself and Mr. LUGAR):

S. 670. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes; to the Committee on Environment and Public Works.

Mr. DASCHLE. Mr. President, today I am joining with my good friend, the distinguished chairman of the Senate Agriculture, Nutrition, and Forestry Committee, Senator RICHARD LUGAR, to introduce the ''Renewable Fuels Act of 2001.'' Over the years, Senator LUGAR has been one of the nation's leading champions of American agriculture and energy independence, and I am pleased to work with him on this effort to encourage the use of ethanol in our nation's fuel supply in a way that improves air quality and strengthens the nation's energy security.

The bill Senator LUGAR and I are introducing today is a refinement of a proposal we introduced in the last Congress. Many of the provisions of that bill were included in legislation reported by the Senate Environment and Public Works Committee in September 2000. Unfortunately, time ran out on the 106th Congress before final action could be taken on that committee bill.

The Renewable Fuels Act of 2001 allows states to address a serious groundwater contamination problem by phasing out MTBE and establishes a nationwide renewable fuels standard that encourages the environmentally sound use of ethanol. The effect of this measure will be to get MTBE out of groundwater, reduce emissions of greenhouse gases, diversify our domestic liquid fuels production base, and promote investment and job creation in rural communities. The bill will also result in substantial reductions in taxpayer outlays by enabling farmers to value-add their products into renewable liquid fuels and reduce oil imports that are exacerbating our trade deficit.

The genesis of this legislation is found in the compelling need to resolve the problem of MTBE contamination of groundwater in states such as California. As we discovered in the 106th Congress, the solution to this problem, whose roots go back over a decade to the congressional debate on the merits of RFG with oxygenates, is extremely complex.

A review of the CONGRESSIONAL RECORD debate shows that the Congress had several major objectives in enacting the RFG with oxygenates program, including: to improve the environment by reducing mobile source vehicle emissions (VOC ozone precursors; toxics; NO_x; and CO_2); to improve energy security by reducing oil imports; to stimulate the economy, especially in rural areas; and to provide regulatory relief to the automobile industry, small businesses/stationary sources, and state and local authorities.

While the detection of MTBE in drinking water supplies in some areas of the country has encouraged criticism of the RFG program, the record shows that most of the Congress' original goals for the RFG program have been met and, in many cases, even surpassed. The RFG program has, in fact, provided refiners with environmentally clean, high performance additives that have substantially extended gasoline supplies. Due to the increased demand for oxygenated fuels like ethanol, capital has been invested in farmer-owned cooperative ethanol plants throughout the Midwest, and rural communities have benefited from quality jobs and expanded tax bases. Harmful emissions in our major cities, from California to the Northeast, have fallen dramatically. Our trade deficit has been substantially reduced, and taxpayers have saved hundreds of millions of dollars in farm program costs.

In short, the RFG program has been one of the most successful private/public sector programs in recent memory.

Some of our colleagues from areas that have experienced MTBE water contamination problems believe the entire RFG program should be dismantled. They argue that the RFG program has run its course and that states should be allowed to waive its oxygenate requirement.

I do not accept this argument and will strongly resist any effort to grant state petitions to opt out of the 1990 RFG minimum oxygen standard requirements. That option is not supported by the science and would simply encourage multinational oil companies to import more crude oil and to use energy-intensive methods to refine it into toxic aromatics that combust into highly carcinogenic benzene.

I am sympathetic, however, to concern about the existence of MTBE in groundwater, and Senator LUGAR and I offer an alternative response to the states' struggle to deal with this issue. We believe the Renewable Fuels Act addresses this challenge swiftly and effectively without abandoning the documented benefits of the RFG program.

Consider the agricultural, energy and environmental benefits of our approach. A September 6, 2000, United States Department of Agriculture analysis concluded that the Renewable Fuels Standard, RFS, provision in our bill would increase ethanol demand from baseline projections of 2.0 billion gallons, to a minimum of 4.6 billion gallons, over the next 10 years. This is a substantial increase when compared with sales last year, which reached approximately 1.5 billion gallons. USDA found that, under this renewable fuels standard, farm incomes would increase by an average of $1.3 billion per year each year from 2000 to 2010. That totals to more than $13 billion for hard hit rural communities. Taxpayer outlays would drop dramatically due to the improved, market-based terms of trade in basic farm commodities. Some experts calculate that the nation's taxpayers would directly benefit from billions of dollars per year in farm program savings.

At today's price for imported oil, our bill's RFS provision would save the country over $4 billion annually in current dollars. The ''Renewable Fuels Act of 2001'' will triple the use of renewable fuels in the United States over the next 10 years. This tripling represents less than 4 percent of the nation's total motor fuels consumption, which is well less than the oil industry's projected demand growth over the next 10 years. However, while small in relationship to the market share of multinational oil companies, it would account for the lion's share of the stated goal of Senate Energy and Natural Resources Committee Chairman FRANK MURKOWSKI when he recently announced his Committee's goal to reduce the Nation's oil import dependence over that same period.

As for the environment, the Renewable Fuels Act of 2001 provides states like California with a way to get MTBE out of groundwater without sacrificing ethanol's contribution to the reduction of emissions of the greenhouses gases linked to global climate change.

Finally, as impressive as its record has been, I believe the RFG minimum oxygen standard program has more to offer the country. And I am pleased to report that President Bush agrees with that analysis.

In a visit to Sioux Falls, SD, earlier this month, the President has some encouraging words to say about the role of renewable fuels like ethanol. He emphasized his commitment ''to value-added processing, to make sure that ethanol is an integral part of the gasoline mixes in the United States.''

I applaud President Bush's vision for ethanol. We agree that it is time to make ethanol an integral part of this country's fuel mix, in a manner that is predictable, sustainable, cost effective, and environmentally responsible. The ''Renewable Fuels Act of 2001'' meets all of these criteria.

What Senator LUGAR and I are suggesting is a truly national program that addresses geographically diverse needs in a synergistic manner. This comprehensive approach has encountered skepticism from well meaning interests that are, understandably, focused on their own priorities: state officials who are intent on cleaning up their groundwater; elected officials who are philosophically troubled by the perception of federal mandates; and farm groups whose fear of the vagaries of the legislative process make them reluctant to lock arms with traditional foes.

Senator LUGAR and I present the Renewable Fuels Act of 2001 as a new paradigm for reconciling historically competitive interests in a manner that will promote a broad range of national benefits. It is my hope that our colleagues on both sides of the aisle, as well as representatives of state and local governments, the environmental community, the oil industry and farm groups, will take an open minded look at this approach.

Mr. LUGAR. Mr. President, I am pleased to join Senator DASCHLE in reintroducing the Renewable Fuels Act of 2001. This bill is intended to form the basis for a solution to the MTBE problem that will be acceptable to all regions of the nation.

In July 1999, an independent Blue Ribbon Panel on Oxygenates in Gasoline called for major reductions in the use of MTBE as an additive in gasoline. They did so because of growing evidence and public concerns regarding pollution of drinking water supplies by MTBE. These trends are particularly acute in areas of the country using Reformulated Gasoline.

Because of concerns regarding water pollution, it is clear that the existing situation regarding MTBE is not tenable. MTBE is on its way out. The question is what kind of legislation is needed to facilitate its departure and

whether that legislation will be based on consideration of all of the environmental and energy security issues involved.

The Renewable Fuels Act of 2001 will be good for our economy and our environment. Most important of all, it will facilitate the development of renewable fuels, a development critical to ensuring U.S. national and economic security and stabilizing gas prices.

The security of our whole economy revolves around our over-dependence on energy sources from the unstable nations of the Middle East. We must be able to address this challenge. Finding an environmentally sensitive way to promote the use of renewable fuels is an important part of this challenge. That is what I believe our bill will accomplish.

The Renewable Fuels Act of 2001 will lead to at least four billion seven hundred million gallons of ethanol being produced in 2011 compared to one billion, six hundred million gallons today. Under the Act, one gallon of cellulosic ethanol will count for one and one-half gallons of regular ethanol in determining whether a refiner has met the Renewable Fuels Standard in a particular year. This will greatly accelerate the development of renewable fuels made from cellulosic biomass. These fuels produce no net greenhouse gas emissions.

The Renewable Fuels Act of 2001 will establish a nationwide Renewable Fuels Standard, RFS, that would increase the current use of renewable fuels from 0.6 percent of all motor fuel sold in the United States in 2000 to 1.5 percent by 2011. Refiners who produced renewable fuels beyond the standard could sell credits to other refiners who chose to under comply with the RFS.

This bill would require the EPA Administrator to end the use of MTBE within four years in order to protect the public health and the environment. And it would establish strict ''anti backsliding provisions'' to capture all of the air quality benefits of MTBE and ethanol as MTBE is phased down and then phased out.

Unlike last year's bill, this bill retains the Minimum Oxygen Standard in the Clean Air Act Amendments. However, the Clean Air Act is amended to ensure that, after MTBE is removed from gasoline, there will be no backsliding in clean air provisions related to ground level ozone and toxic air pollution and also that there will be strict limitations on the aromatic content of reformulated gasoline and of all gasoline in order to further safeguard clean air.

I hope that my colleagues will examine this bill as well as other legislative approaches that would spur the development of renewable fuels such as ethanol, whether derived from corn or other agricultural or plant materials, while maintaining strict clean air requirements.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 30—CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME

Mr. AKAKA (for himself, Mr. KERRY, and Mr. WELLSTONE) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 30

Whereas many of the oldest and most significant Buddhist statues in the world have been located in Afghanistan, which, at the time that many of the statues were carved, was one of the most cosmopolitan regions in the world and hosted merchants, travelers, and artists from China, India, Central Asia, and the Roman Empire;

Whereas such statues have been part of the common heritage of mankind, and such cultural treasures must be preserved for future generations;

Whereas on February 26, 2001, the leader of the Taliban regime, Mullah Mohammad Omar, reversed his regime's previous policy and ordered the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old 175-foot-tall and 120-foot-tall statues carved out of a mountainside at Bamiyan, one of which is believed to have been the world's largest statue of a standing Buddha;

Whereas the religion of Islam and Buddhist statues have co-existed in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years;

Whereas the destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic faith that other religions should be treated with respect, a tenet encapsulated in the Qur'anic verses, ''There is no compulsion in religion'' and ''Unto you your religion, and unto me my religion'';

Whereas people of many faiths and nationalities have condemned the destruction of the statues in Afghanistan, including many Muslim theologians, communities, and governments around the world;

Whereas the Taliban regime has previously demonstrated its lack of respect for international norms by its brutal repression of women, its widespread violation of human rights, its hindrance of humanitarian relief efforts, and its support for terrorist groups throughout the world; and

Whereas the destruction of the statues violates the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by Afghanistan on March 20, 1979: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) joins with people and governments around the world in condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime;

(2) urges the Taliban regime to stop destroying such statues; and

(3) calls upon the Taliban regime to grant the United Nations Educational, Scientific and Cultural Organization and other international organizations immediate access to Afghanistan to survey the damage and facilitate international efforts to preserve and safeguard the remaining statues.

Mr. AKAKA. Mr. President, I rise today to introduce a concurrent resolution condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime. A similar resolution has been introduced in the House of Representatives. This resolution expresses the grave concern of the Congress over the recent destruction of religious treasures in Afghanistan by the Taliban and over the treatment of the Afghani people by their Taliban rulers.

Afghanistan is home to a rich cultural heritage, steeped in Buddhist history and ancient artifacts. More than 1,500 years ago, a pair of Buddha statues, each standing over 100 feet tall, was carved out of a mountainside in Bamiyan. Since their creation, these statues have been visited by many people. They were both religious and cultural treasures—they become one of the most important models for the depiction elsewhere of Buddha. Significant relics such as these should have been preserved for the edification and enlightenment of future generations.

Islam and Buddhism have peacefully coexisted in Afghanistan for more than 1,000 years. Two years ago, Mullah Mohammed Omar, the leader of the Taliban regime, called for the preservation of Buddhist cultural heritage in Afghanistan. The Islamic faith supports religious tolerance and coexistence, evidenced in the Qur'anic verse ''Unto you your religion, and unto me my religion.''

In spite of this edict, several times within the last year the leaders of the Taliban regime have ordered the military to disfigure these and other Buddhist statues. On February 26, 2001, Taliban leader Mullah Mohammed Omar ordered the utter destruction of these irreplaceable cultural treasures, along with all other pre-Islamic statues in the nation, calling them ''shrines of infidels.'' Mohammed Omar claimed that statues of the human form are in contradiction with Shari'ah and the tenets of Islam. Shari'ah refers to the laws and way of life prescribed by Allah in the Qur'an, and dictates ideology of faith, behavior, manners, and practical daily life. Destruction of the statues clearly contradicts a basic tenet of the Islamic faith which is tolerance.

The the recent destruction of Buddhist statuary is the latest action by the Taliban demonstrating an open disregard for international opinion and basic norms of human behavior which include respect for individuals and their beliefs. Tales of horrific human rights violations continue to be told. Confirmed reports tell of men, imprisoned for political reasons, being held in windowless cells without food and hung by their legs while being beaten with cables. In January of this year, Taliban troops massacred several hundred Hazaras, members of a Muslim ethnic group in the Bamiyan province. This was just the latest in a series of such slaughters. Such executions are not uncommon.